

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 26, 1997

DIVISION ONE

B108815 Cios (Not for Publication)
v.
Antelope Valley Community College Dist. et al.

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

B108908 Rubin (Not for Publication)
v.
Stein, et al.
Roney

The order is affirmed. Stein is awarded costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B098810 Drisson Corp. (Not for Publication)
v.
Darakjian et al.
Cohen et al.

The judgment and orders are affirmed.

Spencer, P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B110756 Stokes (Not for Publication)

v.
South Bay Chrysler Plymouth

The appeal is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B108979 L.A. Co. DCFS (Not for Publication)

v.
Paul V.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B105433 Tarzana Independent (Not for Publication)

Physicians Medical Group, Inc.
v.
Abrams

The order is affirmed. Tarzana is awarded costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

B109799 Braswell (Not for Publication)

v.

Regency Health Services, Inc. et al.

The orders are affirmed. Braswell is awarded costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Masterson, J.

B113536 Upchurch et al. (Not for Publication)

v.

Campo De Carlos et al.

The judgment (order of dismissal) is affirmed. Campo De Carlos is awarded costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.

Dunn, J. (Assigned)

B110847 People (Not for Publication)

v.

Moore

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Masterson, J.

November 26, 1997-Continued

DIVISION ONE (Continued)

B112282 People (Not for Publication)

V.

Lynch

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B110014 People (Not for Publication)

V.

Wilson

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Ortega, J.

B112462 People (Not for Publication)

V.

Martinez

The judgment is affirmed in full.

Masterson, J.

We concur: Spencer, P.J.

Ortega, J.

November 26, 1997-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

B104925 People (Not for Publication)
v.
Lee

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B108625 People (Not for Publication)
v.
Piggie

The judgment of conviction is affirmed, and the cause is remanded to the trial court with directions to resentence Piggie on counts 2 and 3.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B097409 L'Anza Research International, Inc. (Not for Publication)
 v.
 Quality King Distributors, Inc.

The judgment is reversed. The appeals from the postjudgment order are dismissed. Defendant is to recover costs on appeal. (opinion confidential)

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Dunn, J. (Assigned)

B104182 People v. Gross (Not for Publication)
B113365 In re Gross on Habeas Corpus

The judgment is affirmed and the petition for writ of habeas corpus is denied.

Masterson, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B109802 Miller et al. (Not for Publication)
 v.
 Broderick, etc., et al.

The summary judgment is reversed, and the cause is remanded to the trial court with directions to enter new orders (1) denying Miller's motion for summary judgment, (2) vacating the order deeming the RFA's admitted, (3) denying Miller's motion to have her RFA's deemed admitted, and (4) granting such other relief as the court deems necessary to place the case back at the pleading stage. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

B111206 Trout, etc. (Not for Publication)

v.

Federal Home Loan Mortgage Corp.

The judgment is reversed and the cause is remanded to the trial court with directions to set the matter back on track for trial. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B112416 People (Not for Publication)

v.

Garcia

The judgment is modified to provide defendant with 90 days' good time/work time presentence credits. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward it to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B108902 L.A. Co. MTA (Certified for Publication)

v.

Shea-Kiewit-Kenny

The judgment is affirmed. The MTA is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION ONE (Continued)

B114725 Urban Pacific Equities Corp., et al. (Certified for Publication)

v.

Superior Court, Los Angeles County
(Steiner & Libo et al., r.p.i.)

The petition for writ of mandate is denied. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

DIVISION TWO

B108974 Los Angeles County, D.C.S. (Not for Publication)

v.

Alicia S.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B110671 People (Not for Publication)

v.

Freddy B.

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B107845 People (Not for Publication)
v.
Valentine

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

November 26, 1997-Continued

DIVISION TWO (Continued)

B108702 People (Not for Publication)
v.
Cabrera

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

DIVISION THREE

B100230 Gallimore, et al. (Not for Publication)
v.
The George Hyman Construction Company, et al.

Appellants have failed to sustain their burden of proof that the trial court abused its discretion. The judgment is affirmed.

Aranda, J. (Assigned)

We concur: Klein, P.J.
Croskey, J.

B107246 People (Not for Publication)
v.
You

The judgment is affirmed.

Aranda, J. (Assigned)

We concur: Klein, P.J.
Croskey, J.

November 26, 1997-Continued

DIVISION THREE (Continued)

B106554 People (Not for Publication)

V.
Rodriguez

The judgment is affirmed.

Aranda, J. (Assigned)

We concur: Croskey, Acting P.J.
 Kitching, J.

B111059 People (Not for Publication)

v.
Sloan

The Court:

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect a conviction of grand theft in violation of Penal Code section 487, subdivision (a).

Klein, P.J, Croskey, J., Kitching, J.

B108354 People (Not for Publication)

B115045 v.
Wolff

The Court:

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Klein, P.J., Croskey, J., Kitching, J.

DIVISION FOUR

B098898 Hoffman (Not for Publication)
v.
Crown

We reverse the judgment as to the age discrimination and retaliatory discharge claims and remand for a retrial on those claims. We affirm the portion of the judgment relating to the sixth and seventh causes of action. Appellant is to recover his costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

B102579 People v. Morris (Not for Publication)

The judgment for felony stalking is affirmed. The conviction for misdemeanor stalking is reversed and the abstract of judgment is ordered amended to reflect that imposition of sentence for violation of a court order is stayed. The judgment is otherwise affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B104206 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

November 26, 1997-Continued

DIVISION FIVE

B108111 People (Not for Publication)
v.
Richard T. Luna

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Jackson, J. (Assigned)

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B106556 People
v.
Ernesto Higuera

Filed order denying petition for rehearing.

DIVISION SIX

(Not For Publication)

B111316 Ventura County, Public Social Services Agency
v.
Patsy M.

Filed order modifying opinion. (No change in the judgment.)

November 26, 1997-Continued

DIVISION SIX (Continued)

B109675 People (Certified for Publication)
v.
Owens

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

B099959 People (Certified for Partial Publication)
v.
Carreon

The criminal street gang enhancement is stricken. [[The one-year enhancement pursuant to section 12022, subdivision (b)(1) is also stricken.]] In all other respects, the judgment is affirmed.

Gilbert, J.

I concur: Stone, P.J.
I dissent: Yegan, J. (Opinion) (Certified for Publication)

B112215 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

November 26, 1997-Continued

DIVISION SIX (Continued)

B107510 Kaplan (Certified for Publication)

V.

Coldwell Banker Residential Affiliates, Inc.

The judgment is reversed. Each side to bear its own costs on appeal.

Yegan, J.

We concur: Stone, P.J.

Coffee, J.

DIVISION SEVEN

B109180 People (Not for Publication)

V.

Bell

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.

Woods, J.

B101650 People (Not for Publication)

V.

Bibbs and Bibbs

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.

DIVISION SEVEN (Continued)

B109394 People (Not for Publication)
v.
Guerrero

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B099677 People (Not for Publication)
v.
Bruce

The judgment of the superior court is affirmed in all respects with the exception that the eight-month consecutive sentence imposed on Count Ten is stricken.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B106705 People (Not for Publication)
v.
Springer

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B106811 People (Not for Publication)
v.
Webb

The judgment is modified by striking the doubled term for the five-year enhancement under Penal Code section 12022.8 in count 2, and to impose a new term of five years for that Penal Code section 12022.8 enhancement. The total of the new determinate terms should be 33 years and 8 months. The court shall cause an amended abstract of judgment to be sent to the California Department of Corrections reflecting this modification of the judgment. As modified, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B108047 People (Not for Publication)
v.
Andrade

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B103407 People (Not for Publication)
v.
Velasquez

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B109451 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Glenn J.,

We deem the appeal abandoned and dismiss appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.